

***Remarks***

Claims 1-76 are presently pending in the instant application. Claims 1-66, 75 and 76 have been withdrawn. Claim 67 has been amended. Support for the amendment can be found on pages 6 and 7 of the instant application.

The Examiner is respectfully requested to reconsider and withdraw the rejection of claims 67-74 under 35 U.S.C. 103(a) as being unpatentable over Khare (6,274,533) in view of Feimer et al. (6,579,444) or Khare et al. (6,150,300).

Khare '533 discloses a desulfurization process using a sorbent with a reduced-valence bimetallic promoter (*see*, col. 7, lines 30-47). The sorbent comprises a bi-metallic sorbent and a support. The support is composed of zinc oxide and a carrier, which can contain silica and alumina in a preferred embodiment (*see* col. 4, lines 15-30).

Feimer discloses a sulfur removal process which comprises contacting a hydrocarbon stream with an adsorbent. This adsorbent comprises: cobalt and at least one Group VI metal selected from molybdenum and tungsten on an inorganic support (*see* col. 3, lines 23-30). The support can include, among other components, zeolites. The aluminum in the zeolite can be substituted with gallium (*see* col. 7, lines 44-60).

Khare '300 discloses a process for the removal of hydrogen sulfide from fluid streams using a sorbent (*see* col. 1, lines 66-67). The sorbent comprises silica, metal oxide, and zinc oxide (*see* col. 2, lines 14-15). The metal oxide can be formed into colloidal-size particles. Aluminum oxide and gallium oxide are examples of metal oxides that can be used (*see* col. 3, lines 22-55).

Applicants submit that the instant claims, as amended, are sufficient to overcome the Examiner's rejection.

In order to be *prima facie* obvious, combining prior art references must be done with a reasonable expectation of success. The Examiner states that "It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of Khare '533 by having gallium in the adsorbent because Feimer teaches that at least a portion of aluminum can be replaced with gallium and Khare '300 teaches that aluminum oxide has an equivalent function as gallium oxide (*see* col. 3, lines 37-40)." *See* Office Action, page 5, 2<sup>nd</sup> paragraph. Applicants respectfully state that the gallium component is used in addition to an aluminum-containing compound in the instant application and not as a replacement for an aluminum component.

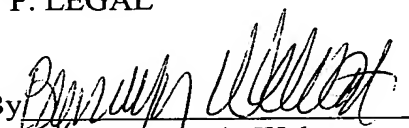
The Feimer catalyst is a completely different catalyst from both the compositions from Khare '533 and the instant claims. One skilled in the art could only, through the use of impermissible hindsight, have a reasonable expectation of success by using the information disclosed in Feimer in the composition of Khare '533. Regarding Khare '300 – it is a different composition than the one disclosed in Khare '533 and the instant application. Khare '300 is applicable for the removal of hydrogen sulfide from fluid streams. Khare '533 and the instant application disclose processes for the removal of sulfur, including organo sulfur compounds, from gasoline or diesel fuel. The compositions disclosed in Khare '533 and the instant application also disclose compositions with promoters that are metals present in reduced valence states. Due to the complexity of the compositions and processes, it

would not be obvious for one skilled in the art to have the idea to incorporate a component from a composition useful for the removal of hydrogen sulfide from fluid streams into a different composition and expect it to be effective for the removal of organosulfur compounds from gasoline or diesel fuel.

In view of the amendments and remarks above, the claims are considered to be in condition for allowance. Therefore, early allowance of the claims is respectfully requested.

Respectfully submitted,

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